

JANUARY 18, 2011

A Work Session Meeting of Mayor and Council was convened at 7:00 p.m. on January, 18, 2011 in Council Chambers of Borough Hall.

Mayor Dempsey stated that all resolutions and ordinances being considered at this meeting are available for the public to view on the front desk.

Mayor Dempsey related that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 21, 2010.

ROLL CALL: Present: Council Members Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy

Absent : None

Also present was Borough Attorney James Kinneally and Borough Administrator/CFO Joseph DeIorio

#### **ITEM #1 Request to work on Saturdays and Sundays at Water Treatment Plant**

There was a discussion on the contractor working on Saturdays and Sundays and possibly working later on weekdays.

Ed Sampson, 11 Acpoan Place, stated that he doesn't think it is a good idea to extend the weekends. He suggested having the contractors work later during the week until 5 or 6 p.m. and have more manpower for the job.

Mr. DeIorio recommended getting a suggestion from the Governing Body and bringing that back to the contractor and notifying the residents that live around the plant.

Council Member Donovan suggested increasing the work day during the week and 10 a.m. to 5 p.m. on Saturday.

Mr. DeIorio advised that he will put out a notice letting the residents know that there has been an extended work week until 6 p.m. and on Saturdays from 10 a.m. to 5 p.m. with no Sunday work.

Mr. DeIorio advised that he will narrow down the request as to the work to be performed.

Council Member Donovan made a motion to add to the closed session a discussion about the Borough Attorney RFP that was supposed to be done last Friday night, seconded by Council Member Lucas. Motion carried by the following vote, "yes" Council Member Connolly, Donovan, Grasso, Lee, Lucas, and McCarthy, "no" none.

Mayor Dempsey stated that there has been 2 occasions where there was a council meeting and Council Members did not call to advise they could not make the meeting. He asked the Council to please call the Borough Clerk, Administrator or himself so that it can be noted that there might not be a quorum.

#### **COMMITTEE REPORTS**

Public Works Committee – Council Member Donovan read an announcement from the Department of Public Works Water and Sewer Department advising that due to the heavy snow conditions they have been unable to read the water meters and the bills will be estimated for the 1<sup>st</sup> quarter of 2011 and the due date will be one (1) week later. He reported that the DPW has tried to plow as far back to the curb as possible without blocking the driveways and sidewalks. He advised that if any resident has any damage caused by the DPW during the snow removal effort to let Tom Nicastro, Superintendent of Public Works know and the damage will be repaired. He advised that there are 98 storm drains in town and the ice is being moved away from those drains and there are 235 hydrants that are also being cleared. He reported that Christmas Trees are still being picked up until February 25. He advised that there was a Snow Summit with Spring

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Lake, Spring Lake Heights, Brielle, and Monmouth County Department of Public Works and the past storm was discussed and things that can be done different and resources that could be used. He advised that a recycling box will be delivered this week to the Borough recycling center that will house electronics which are no longer accepted in the regular garbage.

Public Property & Parks Committee – Council Member McCarthy had no report as he was just elected to Council.

Beach Committee – Council Member Lee advised that the protocol for ice skating on Mac's Pond falls under the Department of Public Works. He advised that they need to drill the ice and measure the thickness in six (6) different spots and based on past practices it had to measure at least 5 inches thick all the way through. He stated that has not been achieved yet but with the future cold weather it might be a reality. He advised that the run off from the Wall area makes it difficult for the ice to reach the 5 inch thickness because of the salt in the water. He mentioned that there has been talks over the past few months with a benefactor, who would like to remain anonymous, to make a sizable donation to the Coast Guard Station. He advised that a proposal could be brought to the Council at the next meeting with this benefactor providing the re-siding of the Coast Guard Station at no cost to the Borough. He advised the specs would be approved by the NJ Historic Trust. He stated that this donation is to provide and install the siding and that this project would be completed in the Spring. He advised that there was a meeting with NJ Transit with regard to their proposal for subletting all of the parking lots on NJ Transit property and that after speaking with the Council they believe that this would not be good for the neighbors around the train station and the commuters.

Mr. DeLorio stated that Borough's position in this matter was unanimous in that they did not want to have the commuters charged a fee to park. He advised that the Borough provides some services to the train station which NJ Transit does not, such as street sweeping, plowing, maintenance, and the Sea Lavender Club provides plantings. He stated that if commuters know they have to pay a fee they will look for street parking which would affect the surrounding area. He advised that NJ Transit took the Borough's suggestions under consideration and an RFP will be drawn up. He stated that the Borough will follow NJ Transits progress.

Mayor Dempsey stated that the members at the meeting were all in favor of protecting the merchants and the taxpayers who live in the area.

Public Safety and Recycling Committee – Council Member Lucas informed the Council and the Audience that Lt. Eric Sholander, Gilbert Arizona Police Department and Christopher Matlos, Lakewood Police Department began their careers here in Manasquan as Special Officers and gave their lives in the line of duty. He stated that this reminds him that every day men and women in law enforcement put their lives on the line to protect the citizens of their community.

Administration and Finance Committee - Council Member Connolly advised that the Budget meetings will be held on January 22, January 29, February 5 and February 12, 2011 and that they are open to the public and start at 9 a.m. She thanked Council Member Lee for the news about the Squan Beach Life Saving Station and that the Squan Beach Life Saving Station Committee will be having their annual meeting this Sunday at 3 p.m. at Borough Hall. The group is now requesting that it be permitted to tour the Life Saving Station after its meeting around 3:30 p.m. She advised the tour would be restricted only to its members, not open to the public, it is estimated that 25 people will take the tour and will take about 20 minutes.

Council Member Connolly made a motion to allow the Squan Beach Life Saving Station Preservation Committee to tour the site on January 27, 2011 at 3:30 p.m., seconded by Council Member Grasso.

Mayor Dempsey advised that information was relayed to Lia Trench that without a CO the Borough is exposed to a tremendous amount of liability. He stated that until the Borough has all the final inspections no one can go in the building.

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Council Member Connolly stated that there was a group already permitted to tour the facility. She stated that the Squan Beach Life Saving Station Preservation Committee does have insurance to cover liability.

Council Member Lee deferred the legal question of liability to the Mr. Kinneally.

Mr. Kinneally stated that the first liability policy that would be on the hook would be the construction company's because they are still actively working in the building. He stated that everyone will get sued if there is an issue but defendant number one is going to be the construction company. He stated that he does believe that this would be exposing the Borough to some liability and exposing the construction company to a liability that they are not signed off on. He stated that there was a waiver granted from the construction company for a previous visit. He stated without that waiver he could not recommend that anyone be allowed in the building without a CO.

Council Member Connolly asked if Executive Committee of the Squan Beach Life Saving Station can get a waiver would that would be satisfactory.

Mr. Kinneally stated that would take care of someone being on the premise that is still controlled by the construction company, but the Borough could still be sued. He stated that the waiver would only cover the construction company.

Council Member Connolly revised her motion on the table to allow the Squan Beach Life Saving Station Preservation to use the building for a tour on January 27, 2011 provided that a waiver can be obtained from the contractor.

Council Member Donovan asked if that motion includes a review of the Squan Beach Life Saving Station Preservation Committee insurance policy and a hold harmless from the Committee for the Borough and the contractor.

Mr. Kinneally advised that a hold harmless should be received from anybody that is going on the premise to hold harmless the Borough.

Council Member Connolly stated that every single member that is going in should sign a hold harmless.

Mr. Kinneally stated that is correct.

Council Member Grasso seconded the motion. Roll call was taken and the motion carried unanimously.

Law & Code Committee – Council Member Grasso congratulated Council Member McCarthy for joining us and he looks forward to working with him. He reported that the unofficial 2010 revenue for Code & Law and the Courts totaled \$659,000, after deducting the department budgets the total collected is approximately \$336,000. He stated that both Marie Higgins and Patrick Callahan did an outstanding job. He advised that for 2011 he is hoping to recover \$700,000 to \$850,000 in revenues by instituting new ideas such as the taxi ordinance, revised dog restrictions, snow enforcement plus others and any assistance in reducing costs and recouping revenues in various departments to extend their responsibilities above and beyond to our town establishments. He reported that regarding snow removal he would like streets specified that must be free of cars to help the DPW do an effective job in plowing. He advised that there were streets that cars were on and there are streets that cars have been removed, and it makes the DPW's job easier if some type of restriction is passed removing cars from streets. He also advised that there should also be voluntary snow shoveling by the young people to residents who qualify (i.e. seniors, handicapped or those that need to leave the home for medical treatment). He stated that he thought that this would be a great volunteer service for our seniors. He advised that he is waiting for a decision by the Mayor and Council to review and vote on the Taxi Ordinance. He stated that at the December 31 meeting, Mayor Dempsey stated that it would take first order when Council re-convenes in January. He stated that he did not see it on the agenda but would hope that it will be scheduled for the next meeting. He read from the Code Book Chapter 2 "Administration" 2-5.32c. He read a letter that was addressed to the Superintendent Manasquan School District, Mayor

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and Council, Frank Clark, NJ State Fire Marshal's Office, and the Manasquan Board of Fire Commissions sent to the Big Blue Boosters with regards to the Annual Pre-Thanksgiving Day Bon Fire stating the events that occurred during and after the inspection. He stated that the laws and regulations need to be followed.

Mayor Dempsey stated that this would not come before Law and Code because it is a Fire District. He stated that the Fire District would issue the summons and it would go before the Judge.

Council Member Grasso started reading a portion of the Code Book 18-17.13.

Mayor Dempsey advised that this Ordinance was put in place before the Fire District was created and that Ordinance is invalid.

Mayor Dempsey stated that the pallets that are mentioned in the letter were left there during the night; it was not the Big Blue Boosters.

Council Member Lucas stated that if that Borough Ordinance is obsolete then the Council should look into having it repealed.

#### **AUDIENCE PARTICIPATION**

Council Member Lucas made a motion to open the meeting up to the public, seconded by Council Member Lee. Motion carried unanimously.

Jim Brown, 19 Euclid Avenue asked that the Taxi Ordinance be shared

Council Member Grasso stated that basically there is a \$50 fee so that the taxi can work here. He stated that he is trying to generate revenues and also make sure that the taxi cab companies in Manasquan are protected as far as they have the right to work in our town rather than having people coming from Newark or Lakewood.

Mr. Brown advised that he does want to address parking as a problem on the street. He stated that there is talk about paid parking and he would encourage permit parking. He stated that the taxi cabs are a big problem with parking, littering and picking up fares all hours of the night.

Mr. Brown stated that he wants to make a statement for his neighbor as it relates to the snow. He advised that the Borough piled 6 to 8 feet of snow on his property. He advised that his sidewalk is still not cleared.

Mary Ryan, 113 Beachfront asked about the parking at the lot at the train station if it is leased out to a vendor, would our police department be responsible for checking the payment.

Mayor Dempsey stated that it would be up to the vendor not the Manasquan Police Department.

Council Member Connolly made a motion to close the public portion, seconded by Council Member Grasso. Motion carried unanimously.

Council Member Connolly made a motion to suspend the Work Session to be continued after the Regular Meeting, seconded by Council Member McCarthy. Motion carried unanimously.

Council Member Donovan made a motion to adjourn the work session at 9:37 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

The closed session portion of the minutes begins on the next page. The signature and approval date are located on the last page following the closed session meeting minutes.